

ATTORNEY DOCKET NO. B0801/7197 (ERG/KA)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Chen, et al.  
 Serial No: 09/673,994  
 Filed: October 24, 2000  
 For: CNRE Binding Factors and Uses Thereof  
 Examiner: Not Yet Assigned  
 Art Unit: Not Yet Assigned

**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)**

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to Box PCT, Commissioner for Patents, Washington, D.C. 20231, on the 5<sup>th</sup> day of September, 2001.

*Konstantinos Andrikopoulos*  
 Konstantinos Andrikopoulos, Reg. No. P-48,915

BOX PCT  
 COMMISSIONER FOR PATENTS  
 WASHINGTON, D.C. 20231

Sir:

**TRANSMITTAL LETTER**

Transmitted herewith for filing are the following:

- Copy of Notification of Missing Requirements Under 35 U.S.C. 371 in the U.S. Designated/Elected Office (DO/EO/US)
- Computer Readable Form (CRF) copy of the Sequence Listing (on a Diskette)
- Paper copy of the Sequence Listing
- Statement Pursuant to 37 C.F.R. §1.821(f)
- Communication
- Substitute Declarations for Patent Application (for those previously filed)
- Notice of Insufficient Filing Fees
- Certificate of Mailing under 37 C.F.R. §1.8(a)
- Return Receipt Postcard

If the enclosed papers are considered incomplete, the mailroom and/or the Application Branch is respectfully requested to contact the undersigned at (617)720-3500.

No fee is believed to be due. Please charge any deficiencies or credit any overpayment to Deposit Account No. 23/2825. A duplicate of this sheet is enclosed.

Respectfully submitted,

*Konstantinos Andrikopoulos*  
 Konstantinos Andrikopoulos, Reg. No. P-48,915  
 WOLF, GREENFIELD & SACKS, P.C.  
 600 Atlantic Avenue  
 Boston, MA 02210-2206  
 Telephone: (617) 720-3500

Attorney Docket No. B0801/7197 (ERG/KA)  
 Date: September 5, 2001  
 xSeptember 5, 2001

542210.1

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*Konstantinos Andrikopoulos*  
Konstantinos Andrikopoulos, Reg. No. P-48,915

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BOX PCT  
COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

Sir:

**COMMUNICATION**

Enclosed herewith please find substitute Declarations for Patent Application for the above-identified patent application. The previously filed Declarations for this application were incomplete (priority claim information to the provisional application was missing), and included a couple of typographical errors, one on the filing date of the present application (October 25, 2000 instead of the correct date of October 24, 2000) and a second one where the priority claim to the PCT application was not placed under the correct heading (i.e., as a PCT application designating the U.S.). The new, substitute Declarations correctly identify all pertinent information. No new matter has been added.

Applicants would also like to thank Examiner Young for the courtesy of the return phone call on August 24, 2001, relating to Applicants' representative's inquiry with regard to the Notice of Insufficient Filing Fees forwarded by the Examiner together with the Notification of Missing Requirements Under 35 U.S.C. 371. During that conversation it was brought to the Examiner's attention that Applicants' Attorneys, contemporaneously with the entrance into the National Stage (see also Transmittal of October 24, 2000), had given the Commissioner authorization to charge any deficiencies in the filing fees or credit any overpayment to their Deposit Account No. 23/2825. The Examiner agreed that the issuance of the Notice of Insufficient Filing Fees would not have been necessary if such express authorization existed in the transmittal and there were sufficient funds in the Deposit Account to cover the necessary additional fees. It is the undersigned representative's belief that sufficient funds were present at the time of filing to cover the additional fees of \$578.00. If the Examiner has not yet charged the foregoing additional fees to the Deposit Account (23/2825),

542210.1

ATTORNEY DOCKET NO. B0801/7197 (ERG/KA)

Applicants' representative expressly authorizes hereby such charge to the above-identified Deposit Account. For the Examiner's convenience a copy of the Notice of Insufficient Filing Fees is also enclosed herein.

If the Examiner has any questions and believes that a telephone conference with Applicants' representative would prove helpful in expediting the prosecution of this application, the Examiner is urged to call the undersigned at (617) 720-3500 (Extension 286).

Respectfully submitted,

*Konstantinos Andrikopoulos*  
Konstantinos Andrikopoulos, Reg. No. P-48,915  
WOLF, GREENFIELD & SACKS, P.C.  
600 Atlantic Avenue  
Boston, MA 02210-2206  
Telephone: (617) 720-3500

Attorney Docket No. B0801/7197 (ERG/KA)  
Date: September 5, 2001  
xNDD

09/673994



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY DOCKET NO.
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EXAMINER

ART UNIT

PAPER NUMBER

DATE MAILED: 05 JUL 2001

## NOTICE OF INSUFFICIENT FILING FEES

APPLICANT IS GIVEN 30 DAYS FROM THE DATE OF MAILING OF THIS NOTICE WITHIN WHICH TO SUBMIT THE BALANCE DUE. Extension of this 30 day period under 37 CFR 1.136(a) will not be permitted. Failure to respond within this period will result in the application becoming abandoned. 35 U.S.C. 133.

The filing fees submitted in connection with this application are insufficient. See the attached Patent Application Fee Determination Record (Form PTO-875). The balance due for additional claims and/or multiple dependent claims is summarized below:

A. Filing Fees due upon filing the application

Total Filing Fees Due	= \$ <u>1530</u>
Less Filing Fees Submitted	- \$ <u>952</u>
<b>BALANCE DUE</b>	= \$ <u>578</u>

B. Fees due in connection with the amendment filed on \_\_\_\_\_

Total Fees Due	= \$ _____
Less Fees Submitted	- \$ (_____)
<b>BALANCE DUE</b>	= \$ _____

Clerk of Group \_\_\_\_\_

ATTACHMENT: FORM PTO-875

APPLICANT: PLEASE COMPLETE THIS PORTION AND RETURN THIS NOTICE WITH PAYMENT

Fee submitted \$ \_\_\_\_\_ Signature \_\_\_\_\_

### CERTIFICATE OF MAILING

I hereby certify that this notice and the required additional fee are being deposited with the U.S. POSTAL SERVICE as first class mail in an envelope addressed to:

Commissioner of Patents and Trademarks, Washington, D.C. 20231, on (date) \_\_\_\_\_

Print Name: \_\_\_\_\_

Signature: \_\_\_\_\_



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT  
United States Patent and Trademark Office  
Washington, D.C. 20231  
www.uspto.gov

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/673994	CHEN	Y B0801/7197 E
INTERNATIONAL APPLICATION NO.		
PCT/US99/08502		
I.A. FILING DATE	PRIORITY DATE	
23 APR 99	24 APR 98	

DATE MAILED:

**05 JUL 2001**

**NOTIFICATION TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS  
CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE  
DISCLOSURES**

Applicant has submitted papers under 35 U.S.C. 371 to enter the national stage in the United States of America. The items indicated below, however, are missing. The period within which to correct the deficiency noted below and avoid abandonment is set forth in the accompanying Notification.

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):

- The application fails to comply with the requirements of 37 CFR 1.821-1.825.
- This application does not contain, a "Sequence Listing" as a separate part of the disclosure on paper copy or compact disc, as required by 37 CFR 1.821(c).
- A copy of the "Sequence Listing" in computer readable format has not been submitted as required by 37 CFR 1.821(e).
- A copy of the "Sequence Listing" in computer readable form has been submitted. The content of the computer readable form, however, does not comply with the requirements of 37 CFR 1.822 and/or 1.832, as indicated on the attached marked-up copy of the "Raw Sequence Listing."
- The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 CFR 1.825(d).
- The paper copy or compact disc of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 CFR 1.821(e).
- Other: \_\_\_\_\_

**APPLICANT MUST PROVIDE:**

- An initial or substitute computer readable form (CRF) of the "Sequence Listing."
- An initial or substitute paper copy or compact disc of the "Sequence Listing," as well as an amendment directing its entry into the specification.
- A statement that the contents of the paper or compact disc and the computer readable form are the same and, where applicable, include no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b) or 1.825(d).

FOR QUESTIONS REGARDING COMPLIANCE WITH THESE REQUIREMENTS, PLEASE  
CALL:

- (703) 308-4216, for Rules interpretation,
- (703) 308-4212, for CRF submission help,
- (703) 287-0200, for PatentIn software help.

Francine Young

Telephone: 703-305-3662



## UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT  
United States Patent and Trademark Office  
Washington, D.C. 20231  
www.uspto.gov

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/673994	CHEN	Y B0801/7197 E
		INTERNATIONAL APPLICATION NO.
WOLF GREENFIELD & SACKS 600 ATLANTIC AVENUE BOSTON, MA 02210		PCT/US99/08502
		1.A. FILING DATE
		24 APR 99
		PRIORITY DATE
		24 APR 98

DATE MAILED: **05 JUL 2001****NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as  a Designated Office (37 CFR 1.494)  an Elected Office (37 CFR 1.495):
  - U.S. Basic National Fee.  Indication of Small Entity Status.
  - Copy of the international application.  Translation of the international application into English.
  - Oath or Declaration of inventors(s).  Translation of Article 19 amendments into English.
  - Copy of Article 19 amendments.  Other: Preliminary Amendment
  - Priority Document.
  - The International Preliminary Examination Report in English and its Annexes, if any.
  - Translation of Annexes to the International Preliminary Examination Report into English.
2.  Applicant has requested early processing under 35 U.S.C. 371(f) but has not filed the following indicated items and/or the indicated items in paragraph 3 below. The Basic National Fee and the copy of the international application must be filed prior to 20 or 30 months from the priority date to avoid abandonment.
  - U.S. Basic National Fee.  Copy of the international application.
3. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:
  - a. Translation of the application into English. A processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
    - The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
  - b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
  - c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), properly identifying the application (preferably by the International application number and international filing date). A surcharge will be required if submitted later than the appropriate 20 or 30 months from the priority date.
    - The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
  - d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).
4. Additional claim fees of \$ \_\_\_\_\_ as a  large entity  small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.

5.  Applicant has not submitted the required sequence listing pursuant to 37 CFR 1.821-1.825. See attached PCT/DO/EO/920.

**ALL OF THE ITEMS SET FORTH IN 3(a)-3(d), 4 AND 5 ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 22 OR 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

6. If box 3a or 3c is checked, a translation of the Annexes MUST be submitted no later than the time period set above or the Annexes will be cancelled. A processing fee will be required if submitted later than 20 or 30 months from the priority date.
7.  The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

***A copy of this notice MUST be returned with this response.***

Enclosed:  PCT/DO/EO/917  Notice of Defective Translation  
 PTO-875  PCT/DO/EO/920

Francine Young